

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division

IN RE:

ANTHONY D PEARSON, SR.

Debtor

Chapter 13  
Case No. 20-19673-TJC

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC., BEAR STEARNS  
MORTGAGE FUNDING TRUST 2006-AR1,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-AR1

Movant

v.

ANTHONY D PEARSON, SR.  
1122 BLUEWING TERR  
UPPER MARLBORO, MD 20774  
(Debtor)

KELLY M. PEARSON  
1122 BLUE WING TERRACE  
UPPER MARLBORO, MD 20774  
(Co-Debtor)

REBECCA A. HERR  
185 ADMIRAL COCHRANE DR., SUITE 240  
ANNAPOLIS, MD 21401  
(Trustee)

Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR AUTOMATIC  
STAY PURSUANT TO 11 U.S.C. § 1301(c)(3)**

Wells Fargo Bank, National Association, as Trustee for Structured Asset Mortgage Investments II Inc., Bear Stearns Mortgage Funding Trust 2006-AR1, Mortgage Pass-Through Certificates, Series 2006-AR1 (“Movant”) by undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic Stay and Co-Debtor Automatic Stay as to the real

property located at 1122 Blue Wing Terrace, Upper Marlboro, MD 20774 (“Property”), and, as grounds therefore, states as follows:

1. This proceeding seeking relief under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301(c)(3) of the U.S. Bankruptcy Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. § 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G) and (b)(2)(O). Venue is proper pursuant to 28 U.S.C. § 1409(a).

2. On October 29, 2020, the above named Debtor, Anthony D Pearson, Sr. (“Debtor”), filed in this court a Petition under Chapter 13 of the United States Bankruptcy Code. Rebecca A. Herr was appointed Chapter 13 Trustee.

**COUNT 1**  
**RELIEF FROM AUTOMATIC STAY**

3. On or about June 13, 2006, Anthony D Pearson executed and delivered to Bear Stearns Residential Mortgage Corporation a Note in the amount of THREE HUNDRED THIRTY-THREE THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$333,600.00), plus interest. A copy of the Note is attached as **Exhibit A** and incorporated herein.

4. To secure the repayment of the sums due under the Note, Anthony D Pearson and Kelly M. Pearson executed and delivered to Bear Stearns Residential Mortgage Corporation a Deed of Trust dated June 13, 2006, encumbering the real property (“Property”) more particularly described in the Deed of Trust:

BEING KNOWN AND DESIGNATED as Lot numbered Twenty-eight (28), in the subdivision known as “Plat 2, Section 8, PERRYWOOD”, as per plat thereof recorded among the Land Records of Prince George’s County, Maryland in Plat Book VJ 190, at Plat 1; Being in the 3<sup>rd</sup> Election District of said County.

THE improvements thereon being known as No. 1122 Blue Wing Terrace, Largo, Maryland 20774. (a/k/a Upper Marlboro, Maryland).

which has the address of 1122 Blue Wing Terrace, Upper Marlboro, Maryland 20774. A copy of the Deed of Trust is attached as **Exhibit B** and incorporated herein.

5. The Note and Deed of Trust were later transferred to Movant and Movant is the current holder of the Note and Deed of Trust. A copy of the Assignment is attached as **Exhibit C** and incorporated herein.

6. The Debtor agreed to a permanent modification of the loan described above. The loan modification is attached as **Exhibit D** and incorporated herein.

7. Select Portfolio Servicing, Inc. services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor(s) receive a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Wells Fargo Bank, National Association, as Trustee for Structured Asset Mortgage Investments II Inc., Bear Stearns Mortgage Funding Trust 2006-AR1, Mortgage Pass-Through Certificates, Series 2006-AR1, which is the entity that has the right to foreclose by virtue of being owner and holder of the note.

8. As of January 19, 2021, Debtor owes an unpaid principal balance of \$452,106.11 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

Unpaid Principal Balance	\$452,106.11
Unpaid, Accrued Interest	\$8,418.03
Escrow Advance	\$12,213.44
FC Fees	\$600.00
FC Costs	\$305.00
Other Corp - Mod Pmt Shortage	\$43.20
Unapplied Funds	(\$1,633.36)
Total Outstanding Obligations	\$472,052.42

9. As of January 19, 2021, Debtor is post-petition due for December 1, 2020, which includes the following missed payments:

Number of Missed Payments	From	To	Payment Amount	Total Due
2	December 1, 2020	January 1, 2021	\$1,605.58	\$3,211.16
			Suspense:	(\$27.78)
			Total Payments Past Due	\$3,183.38

10. A copy of the post-petition payment history is attached as **Exhibit E** and incorporated herein.

11. The value of the property is \$370,000.00, according to the Debtor's Schedule "A".

12. The Debtor is in default under the Note.

13. The Debtor has not and cannot offer Movant adequate protection of its interest in the Property, and Movant avers it is not adequately protected.

14. As there is little to no equity in the Property, the Property is not necessary for an effective reorganization. Therefore, relief from stay is appropriate under § 362(d)(2) of the Bankruptcy Code to permit Movant to exercise its non-bankruptcy rights and remedies with respect to the Mortgage.

15. That the Debtor's account delinquency and lack of equity in the Property constitute cause for relief from the automatic stay.

**COUNT II**  
**RELIEF FROM CO-DEBTOR AUTOMATIC STAY**

16. The allegations of paragraphs 1 through 15 are incorporated by reference herein.

17. Movant will be irreparably harmed by the continuation of the Co-Debtor Automatic Stay.

18. Cause exists to terminate the Co-Debtor Automatic Stay.

WHEREFORE, Wells Fargo Bank, National Association, as Trustee for Structured Asset Mortgage Investments II Inc., Bear Stearns Mortgage Funding Trust 2006-AR1, Mortgage Pass-Through Certificates, Series 2006-AR1, prays that this Court issue an Order terminating or modifying the Automatic Stay under 11 U.S.C. § 362 and Co-Debtor Automatic Stay under 11 U.S.C. § 1301 as to the property located at 1122 Blue Wing Terrace, Upper Marlboro, MD 20774, and granting the following:

- a. Relief from the Automatic Stay and Co-Debtor Automatic Stay allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.
- b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- d. That it be exempted from further compliance with Fed. R. Bankr. P. 3002.1 in the instant bankruptcy case.
- e. For such other relief as the Court deems proper.

Date: January 21, 2021

Respectfully submitted,

/s/ Elizabeth M. Abood-Carroll  
James E. Clarke, Bar #15153  
John E. Tarburton, Bar #26398  
Paul J. Moran, Bar #19595  
Elizabeth M. Abood-Carroll, Bar #20631  
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Association, as Trustee for Structured Asset  
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**CERTIFICATE OF SERVICE**

The undersigned states that on January 21, 2021, copies of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Rebecca A. Herr  
185 Admiral Cochrane Dr., Suite 240  
Annapolis, MD 21401  
ecf@ch13md.com  
*Bankruptcy Trustee*

Jillian M. Kindlund  
Kindlund Legal LLC  
19142 Rocky Crest Ter  
Leesburg, VA 20176  
jillian@kindlundlegal.com  
*Debtor's Attorney*

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay to the following non-ECF participants:

Anthony D Pearson, Sr.  
1122 Bluewing Terr  
Upper Marlboro, MD 20774  
*Debtor*

Kelly M. Pearson  
1122 Blue Wing Terrace  
Upper Marlboro, MD 20774  
*Co-Debtor*

/s/ Elizabeth M. Abood-Carroll  
James E. Clarke, Esquire  
John E. Tarburton, Esquire  
Paul J. Moran, Esquire  
Elizabeth M. Abood-Carroll, Esquire

**Post-Petition Payment History as of 1/19/2021**

<b>Due Date</b>	<b>Payment Amount Due</b>
12/1/2020	\$1,605.58
1/1/2021	\$1,605.58
<b>Suspense:</b>	( <b>\$27.78</b> )
<b>Total:</b>	<b>\$3,183.38</b>